

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RANDY THOMAS SOWELL,

Petitioner,

v.

//

CIVIL ACTION NO. 1:09CV34
(Judge Keeley)

KUMA DEBOO, Warden,

Respondent.

ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION

On February 24, 2009, pro se petitioner, Randy Thomas Sowell ("Sowell"), filed a petition for habeas corpus relief pursuant to 28 U.S.C. § 2241. The Court referred this matter to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09.

Following an order to show cause issued by Magistrate Judge Kaull, the defendant, Warden Kuma Deboo ("Deboo"), filed a motion to dismiss on April 10, 2009. After completion of the briefing on that motion, Magistrate Judge Kaull issued an Opinion and Report and Recommendation ("R&R") on June 15, 2009, in which he recommended that the defendant's motion to dismiss be granted, Sowell's § 2241 petition be denied, and the case be dismissed with prejudice.

The R&R also specifically warned Sowell that failure to object to the recommendation within ten days following his receipt of the

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R&R would result in the waiver of any appellate rights on this issue. No objections have been filed by Sowell.¹

The Court, therefore, **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 17), **GRANTS** the motion to dismiss (dkt. no. 12), **DENIES** Sowell's petition under § 2241 (dkt. no. 1) and **DISMISSES** the case **WITH PREJUDICE**.

It is so **ORDERED**.

Pursuant to Fed.R.Civ.P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record and to mail a copy to the pro se petitioner, certified mail, return receipt requested.

Dated: July 9, 2009

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).